

Leahy amendment, but I want the Senate to be on notice following this amendment there will be a vote on a Federal judge. That will be announced during the period right after this vote.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent following the scheduled vote, the Senate immediately proceed to executive session and to consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 382, 383, 385, and 386.

I further ask unanimous consent that there be 2 minutes equally divided between the two leaders or their designees prior to each vote; further, that following the votes, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. DASCHLE. Reserving the right to object, I take just a moment to thank the distinguished ranking member of the Judiciary Committee. I know how strongly he feels—and I understand the reasons he feels this way because I share them—that these are very important matters that should not be relegated necessarily to voice votes. But he has, once again, demonstrated a real appreciation of Senators' schedules and his understanding of the need for other Senators to offer amendments on this very critical bill we are dealing with. And in order to accommodate Senators who have amendments to offer, once again, he has agreed with my request that we do a rollcall on the first vote and then voice votes on the other ones.

So I just want to publicly acknowledge his cooperation and his assistance on this matter and thank him since he is currently in the Chamber. But I appreciate that.

I have no objection.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, with the indulgence of the two leaders, I appreciate very much what the Democratic leader has said. He and I, and the distinguished majority leader, and Senator HATCH, and others, want to move judges whenever we have consensus. And I think we have shown we have.

In the 17 months we were in charge of the Senate, when we were the majority, we confirmed 100 of President Bush's nominees to the Federal judiciary. In the 16 months the Republicans have been in control, this will make another 64 we have confirmed. So it is around 164 between the 2 parties. It is a record that has not been matched for years and years and years.

But I am happy to accommodate the two leaders. I know the problems the two leaders have. I would not wish them on anybody else. The two leaders have been trying to schedule things, so I am happy to try to accommodate them and all Members.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. FRIST. Mr. President, just for clarification, we will have the vote on the Leahy amendment now, followed by a rollcall vote on one of the judicial nominees, followed by a voice vote on the next three judicial nominees.

In the meantime, we will be discussing the schedule for later this evening. Amendments will be in order tonight. They will be laid down. We will talk about the voting schedule here shortly.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, before we go to the vote, I know our colleagues will be coming to the floor to vote on these two matters.

The distinguished majority leader and I have been talking about the schedule tomorrow. And without in any way preempting him and the decisions he will make about the schedule, there is a possibility that we will not be in session tomorrow but that we will have a window for Senators to offer amendments.

The only reason I say that now is if Senators would contemplate the offering of an amendment tomorrow, I would like them, at least on the Democratic side, to consult with Senator REID and myself during these votes so that we have an understanding of how many of those amendments might be offered. We would only have about a 2-hour window. But if Senators are interested, during these votes I hope they will come to either Senator REID or myself to discuss the queuing of those amendments and whether or not we will have an opportunity to consider them all.

So I hope we will use the time available to us for discussion of that. And we will have more to say about that sequencing once those votes have been completed.

VOTE ON AMENDMENT NO. 1803

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1803. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—56

Alexander	Cochran	Enzi
Allard	Coleman	Fitzgerald
Allen	Collins	Frist
Bennett	Cornyn	Graham (SC)
Bond	Craig	Grassley
Brownback	Crapo	Gregg
Bunning	Dayton	Hagel
Burns	DeWine	Hatch
Campbell	Dole	Hollings
Chafee	Domenici	Hutchinson
Chambliss	Ensign	Inhofe

Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski

Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snow
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—42

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kerry	Schumer
Corzine	Kohl	Stabenow
Daschle	Lautenberg	Wyden

NOT VOTING—2

Graham (FL) Lieberman

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF WILLIAM Q. HAYES, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Executive Calendar No. 382, which the clerk will report.

The legislative clerk read the nomination of William Q. Hayes, of California, to be United States District Judge for the Southern District of California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, William Q. Hayes is certainly qualified to be a Federal district court judge for the Southern District of California. I recommend to all our colleagues they support him. I believe everybody will be pleased with the service he will give.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield my time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator LEAHY and Senator HATCH. This is an excellent nominee for the Southern District Court of California, William Hayes.

I want to emphasize the excellent process that we have in place to select District Court nominees in California.

In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN and I worked together to create four judicial advisory committees for